

CONDITIONS OF APPROVAL – November 4, 2014

15527 Union Avenue

Conditional Use Permit U-14-013

Consider an appeal of a Planning Commission decision approving a request to operate a high turnover, sit-down restaurant (Jersey Mike's Subs) and implementing all conditions, including the payment of traffic impact fees on property zoned C-1. APN 523-41-036.

PROPERTY OWNER: DS Downing LP, A Delaware Limited Partnership

APPLICANT/APPELLANT: Rudy Wrabel

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. **APPROVAL:** This application shall be completed in accordance with all of the conditions of approval listed below. Any changes or modifications shall be approved by the Director of Community Development, the Development Review Committee, the Planning Commission, or the Town Council depending on the scope of the changes.
2. **EXPIRATION OF APPROVAL:** The Conditional Use Permit application will expire two years from the date of approval (November 4, 2016) unless it is used before expiration. Section 29.20.335 defines what constitutes the use of an approval granted under the Zoning Ordinance.
3. **LAPSE FOR DISCONTINUANCE:** If the activity for which the Conditional Use Permit has been granted is discontinued for a period of one (1) year the approval lapses.
4. **USE:** A high turn-over sit down restaurant.
5. **ALCOHOL SERVICE:** No alcohol service is permitted.
6. **SEATING:** No more than 24 indoor seats are permitted. No outdoor seating permitted.
7. **HOURS OF OPERATION:** Maximum hours of operation are 10:00 a.m. to 9:00 p.m.
8. **LIVE ENTERTAINMENT:** No live entertainment or amplified music is allowed.
9. **DELIVERIES:** Deliveries shall occur between 8:00 a.m. and 10:00 a.m. Monday through Friday.
10. **SIGN PERMIT:** A Sign Permit from the Los Gatos Community Development Department must be obtained prior to any changes to existing signs or installation of new signs.
11. **CERTIFICATE OF USE AND OCCUPANCY:** A Certificate of Use and Occupancy from the Los Gatos Community Development Department must be obtained prior to commencement of use.
12. **BUSINESS LICENSE:** A business license from the Town of Los Gatos Finance Department must be obtained prior to the commencement of any new or change of use.
13. **TOWN INDEMNITY:** Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.

Building Division

14. **PERMITS REQUIRED:** A Building Permit shall be required for the any alterations to the existing commercial building. Separate permits are required for electrical, mechanical, and plumbing work as necessary.
15. **CONDITIONS OF APPROVAL:** The Conditions of Approval must be blue-lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
16. **SIZE OF PLANS:** Four sets of construction plans, maximum size 24" x 36".
17. **TITLE 24 ACCESSIBILITY – COMMERCIAL:** For any proposed tenant improvements, on-site parking and general path of travel shall comply with the latest California Title 24 Accessibility Standards. Work shall include, but not be limited to, accessibility to building entrances from parking facilities and sidewalks. The building shall be upgraded to comply the latest California Title 24 Accessibility Standards. Necessary work shall be first investigated by the design Architect and then confirmed by Town staff.
18. **APPROVALS REQUIRED:** The project requires the following departments and agencies approval before issuing a building permit:
 - a. Community Development – Planning Division: Erin Walters (408) 354-6867
 - b. Santa Clara County Fire Department: (408) 378-4010
 - c. County Environmental Health Department: (408) 885-4200

TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS:

Engineering Division

19. **TRAFFIC IMPACT MITIGATION FEE:** The developer shall pay the project's proportional share of transportation improvements needed to address cumulative development impacts within the Town of Los Gatos. The fee will be based upon the Resolution approved by the Town Council on November 4, 2014 (2014-068). The fee shall be paid before issuance of a building permit.